

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEREMY LANCE ROYAL

Plaintiff,

v.

WASHINGTON CORRECTIONS CENTER,
et al.

Defendants.

Case No. C08-5079 RJB-JKA

ORDER ADOPTING
REPORT AND
RECOMMENDATION

This matter comes before the court on the Report and Recommendation of Magistrate Judge Arnold. Dkt. 10. The court has considered the relevant documents and the remainder of the file herein.

FACTUAL HISTORY

The plaintiff alleges that on or about September 18th, 2007, the plaintiff sent a medical kite to obtain medical aid for a knee injury. Dkt. 9 at 8. The plaintiff alleges that Cowlitz County Medical staff directed him to apply an ice pack but did not render him further treatment. Dkt. 9 at 8. On January 7, 2008, the plaintiff alleges that he was placed at St. Joseph Hospital for surgery on his left knee. Dkt. 9 at 9. Following surgery, the plaintiff alleges that he suffered infections to the surgery site and was not provided opportunities for physical therapy. Dkt. 9 at 9-11. The plaintiff claims that the defendants failed to provide adequate medical care. Dkt. 9 at 11-15.

PROCEDURAL HISTORY

The plaintiff filed his complaint on March 11, 2008. Dkt. 6. Magistrate Judge Arnold ordered the

1 plaintiff to show cause explaining why the plaintiff's claims should not be dismissed for failure to exhaust
2 administrative remedies on or before April 11, 2008. Dkt. 7. The plaintiff filed an Amended Complaint on
3 March 14, 2008. Dkt. 9. On April 16, 2008, Judge Arnold issued a Report and Recommendation,
4 recommending that the plaintiff's claims be dismissed for failure to exhaust administrative remedies. Dkt.
5 10. The plaintiff filed a letter on April 16, 2008, inquiring as to the status of his case. Dkt. 11. The
6 plaintiff filed a Response to the Order to Show Cause on April 28, 2008, stating that he was unaware of
7 the grievance system or steps that he needed to take to exhaust his claims. Dkt. 12. The plaintiff requests
8 that the case be allowed to continue. Dkt. 12 at 3.

9 DISCUSSION

10 The Report and Recommendation states that the plaintiff's amended complaint should be dismissed
11 for failure to exhaust administrative remedies. Dkt. 10. The plaintiff has not filed a grievance in this
12 matter, because "the grievance system does not work, also I did not want problems." Dkt. 6 at 2. The
13 plaintiff also checked boxes indicating that he understood that there is a grievance procedure available at
14 his institution and that the grievance procedure is not completed. *Id.*


15 The Prison Litigation Reform Act (PLRA) requires that before filing a complaint in federal court, a
16 plaintiff must exhaust administrative remedies. 42 U.S.C. § 1997e(a). The PLRA states that "No action
17 shall be brought with respect to prison conditions under section 1983 of this title...by a prisoner confined in
18 any jail, prison or other correctional facility...until such administrative remedies as are available are
19 exhausted." *Id.* Although the plaintiff alleges that he was unaware of the grievance system and the steps
20 that he needed to take to exhaust his claims, Dkt. 12, the plaintiff must follow the appropriate
21 administrative procedures. Accordingly, the court should dismiss the plaintiff's amended complaint
22 **without** prejudice.

23 Therefore, it is hereby

24 **ORDERED** that the Report and Recommendation of Judge Arnold, Dkt. 10, is **ADOPTED**.
25 Pursuant to 42 U.S.C. § 1997e(a), the plaintiff's amended complaint, Dkt. 9, is **DISMISSED without**
26 **PREJUDICE**. The remainder of this case is referred to Judge Arnold.

27 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any
28 party appearing *pro se* at said party's last known address.

1 DATED this 9th day of May, 2008 .

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3 ROBERT J. BRYAN
4 United States District Judge
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